IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

FRIDAY, THE TWENTY FIFTH DAY OF JUNE TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT APPEAL NO : 940 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/03/2004 in WP NO : 5036 OF 2004 on the file of the High Court.)

Between:

1 The Agricultural Market Committee, Hyderabad, at New Osman Gunj, Hyderabad, rep. by its Selection Grade Secretary.
2 The Agricultural Market Committee, Hyderabad, at Bowenpally, rep. by its Secretary.

..... APPELLANTS

AND

M. Ballingam Vegetable Traders, Hissamgunj Market, Secunderabad, Rep. by its Prop. M. Shankar, Occ: Bussiness, R/o. 1-3-878, Kavidiguda, Secunderabad.

.....RESPONDENT

For the Appellants : MRS.NANDA R. RAO, Advocate.

For the Respondent : MR.V.R.REDDY, Advocate.
(Not present)

The Court Made the Following :

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

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1. Order dated 18.03.2004 of the learned single Judge allowing the writ petition of respondent and thereby directing the appellants to dispose of the respondent's representation 12.03.2004 within a period of four weeks from the date of receipt of a copy of the order of the court and consider his plea for promotion as 'A' Class Commission Agent as well as for allotment of shop in the New Market Yard at Bowenpally, Secunderabad, is under challenge in this appeal.

2. The respondent – writ petitioner in the writ petition filed on 16.3.2004 alleged that he submitted a representation on 12.03.2004 for the grievance which he made in the writ petition and thus sought direction for consideration of the representation for renewal of his licence and to promote him as 'A' Class Commission Agent within a period of 60 days. Learned single Judge without affording opportunity to the appellants proceeded to dispose of writ petition by innocuous order directing the appellants to dispose of the representation. Grievance of the learned counsel for the appellants against such an order is that had some opportunity being allowed to the appellants to file reply, appellants would have brought to the notice of the court that respondent was not entitled for any relief since he had neither applied in accordance with law nor fulfilled the requisite

conditions as are required to be fulfilled before his application for renewal of licence and promotion as 'A' Class Commission Agent could be considered. Thus, by suppression of material facts, respondent obtained an order against the appellants for consideration of the representation for the reliefs to which he is not entitled.

3. No doubt such a practice of the petitioner approaching the court seeking direction for consideration of the representation within a couple of days of submitting the representation and thereby not allowing the statutory authorities a reasonable time to consider and decide such representation must be deprecated. Petitioner cannot, by submitting representation, immediately approach the court for the redressal of his grievance. Writ of Mandamus directing statutory authority to act in accordance with law can be issued only when the petitioner concerned has approached the authority, afforded a reasonable time to them to consider his prayer and if such redressal is not granted within a reasonable time, only in that case he can approach the court for a writ of Mandamus. Representation was stated to have been sent on 12.03.2004. Petitioner nowhere alleged as to on which date such representation was received by appellants. Learned counsel for the appellants states that representation itself was received on 16.03.2004, the date of submission of writ petition in the court, and within two days learned Judge proceeded to dispose of the writ petition with positive direction to the appellants. Thus, in our view, petitioner was not entitled to any relief from the court at that stage of the proceedings. The appropriate

course in such a matter would have been to dismiss the writ petition with liberty reserved to the petitioner to approach the court after expiry of reasonable time. In any case, as of today or as on the date when the appeal was filed, considerable time had elapsed during which appellants could have ponder over the representation of the respondent and taken appropriate decision thereupon. Even if representation was not submitted in proper format or was not in accordance with law or respondent has not complied with certain pre-requisites, nothing prevented the appellants to have rejected the same and informed the respondent about the result of the representation. Statutory authority also cannot sit over the representation for a long time without taking any decision. It is the obligation on their part to promptly dispose of the representation. In this view of the matter, we will dispose of the appeal duly observing that directions made by learned single Judge be treated as direction for deciding the representation in accordance with law thereby reserving liberty to the appellants to take whatever decision is permissible in accordance with law on such representation and in case respondent has not complied with pre-requisites, to reject the same and inform the respondent. This exercise shall be completed within a period of four weeks from today.

Ordered accordingly and writ appeal stands disposed of. No costs.

DEVINDER GUPTA. C.J.,

G. ROHINI. J.,

Dated: 25.06.2004.

VRK.

To

1. Selection Grade Secretary, Agriculture Market Committee, New Osman Gunj, Hyd.

2. The Secretary, Agricultural Market Committee, Sub-Office, New Market Yard, Bowenpally, Secunderabad.

3. 2 CD copies.

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE Ms. JUSTICE G. ROHINI.

W.A.NO. 940 OF 2004.

(Judgment of the Bench delivered by Hon'ble The Chief Justice)

Dt: 25.06.2004.